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APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,299	10/662,299 09/16/2003		Hidenari Sakaguchi	P24222	1782
7055	7590 .	11/10/2005		EXAM	INER
		ERNSTEIN, P.L	ROBERTS, LEZAH		
1950 ROLAND CLARKE PLACE RESTON, VA 20191				ART UNIT	PAPER NUMBER
RESTON,	VA 20191		. 1614		
				DATE MAILED: 11/10/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/662,299	SAKAGUCHI ET AL.				
Office Action Summary	Examiner	Art Unit				
•	Lezah W. Roberts	1614				
The MAILING DATE of this communication app	ears on the cover sheet with the c	correspondence address				
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period v  - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir vill apply and will expire SIX (6) MONTHS from 1, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on						
	action is non-final.	·				
·—·	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E						
Disposition of Claims						
4)⊠ Claim(s) 1-24 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) 1-24 are subject to restriction and/or e	election requirement.					
Application Papers						
9) The specification is objected to by the Examine	г.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	e 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correct	ion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).				
11) ☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of:	priority under 35 U.S.C. § 119(a	)-(d) or (f).				
1. ☐ Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the prior	rity documents have been receive	ed in this National Stage				
application from the International Bureau	u (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list	of the certified copies not receive	ed.				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	6) Other:	atent Application (FTO-192)				

## **DETAILED ACTION**

## Election

This application contains claims directed to the following patentably distinct species of the claimed invention:

- 1) a free radical scavenger as in claim 1;
- 2) a base as in claim 3, i.e., waxes, Vaseline, triglyceride, squalene, liquid paraffin, polyhydric alcohols, water soluble polymers, and photopolymerizable monomer; and
  - 3) an emulsifier as in claim 4.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for each of the above for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Harry Muensterer on November 4, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is advised to pick a specific compound not a genus, e.g. "propylene glycol" as a polyhydric alcohol.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lezah W. Roberts whose telephone number is 571-272-1071. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frederick Krass
Primary Examiner

Art Unit 1614

Lezah Roberts Patent Examiner Art Unit 1614

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